

TESTIMONY OF MIGRANT LEGAL AID, IMMIGRANT ASSISTANCE PROGRAM
By: Teresa Hendricks

IN OPPOSITION TO H.B. 4026

Members of the committee, thank you for the opportunity to comment on H.B. 4026. Migrant Legal Aid was established in 1978 to provide legal assistance to Michigan's farmworkers. Because this legislation would adversely affect many in the vulnerable population that we serve, we think it is important that this committee consider the bill's many problems. The following are reasons we oppose H.B. 4026:

1. Databases for verification are full of errors.

- Independent entities have evaluated the E Verify Two independent entities evaluated the program early on, and concluded the program is "not ready for larger scale implementation at this time." (Temple University Institute for Survey Research and Westat June 2002)
- "The E-verify program...has been hindered by inaccurate and outdated information in the [Department of Homeland Security] DHS and [Social Security Administration] SSA databases" (NELP 2008).
- "SSA estimates that its database contains 17.9 million discrepancies (not accounting for errors in the Department of Homeland Security (DHS) database" (NELP 2008).
- E Verify does not detect 54% of undocumented workers that pass through the system (NILC.org) and stops 10% of naturalized U.S. citizens (NELP 2008).
- "Using error rates reported in a DHS-funded study, approximately 32,800 workers were erroneously fired in Fiscal Year 2009 due to E-Verify." (Moran 2011)

2. Employers do not use the system correctly

- The E-Verify program states that adverse action cannot be taken based on the initial finding that a person may not be eligible to work. (NELP 2008)
- However, 22 percent of employers restrict work assignments, 16 percent delay job training and two percent reduce pay while workers challenge errors..." (NELP 2008).
- In Agriculture, with seasons lasting as little as two weeks to several months, any delay or reduction in pay can be detrimental to the grower and the worker.
- Arizona as an example:
 - Arizona was the first state which mandated putting all workers through the E Verify program. (Moran 2011)

- Only half of all new hires were put through E Verify proving that employers are more willing to skirt the law than use this flawed system. (Moran 2011)
- In 2009, A study funded by the Dept. of Homeland Security found that Arizona E Verify users were less compliant than E-verify users in other states (Moran 2011)
- A 2010 report from the Government Accountability Office (GAO) found that employers were encouraging employees to use false documents rather than be denied by the system. (Moran 2011)

3. E- Verify will cause more discrimination

- “The creation of new criminal penalties against employers will likely result in uncertainty and fear in the business community. Employers cannot tell by looking at people whether or not they are authorized to work in the U.S. As a result, employers will engage in defensive hiring and feel compelled to require those individuals who look or sound ‘foreign’ to provide additional documentation proving they are eligible to work, in order to safeguard against criminal prosecution” (NILC 2008).
- “This practice will deny many documented workers and other people of color access to jobs, which will, in turn, hurt the state’s economy and the greater community’s well being. “
- “It also could expose employers to liability under state and federal antidiscrimination laws.” (NILC 2008)
- “The concern over increased discrimination is well founded given certain findings of the General Accounting Office (GAO) after IRCA was enacted. In three consecutive reports mandated by IRCA, the GAO found that employer sanctions had indeed resulted in widespread discrimination. One in five employers self-reported some form of employment discrimination against those workers they perceived to be undocumented because they were ‘foreign sounding’ or ‘foreign looking’ (NILC 2008).”

4. Mandating E-Verify will hurt the economy.

- “According to [the Government Accountability Office] GAO, risks posed by mandatory E-Verify range from encouraging employers to skirt the rules to job losses for native born and immigrant work-authorized people alike.” (Moran 2011)
- “[Requiring an E verification system] ignores our country’s dependence on the eight million unauthorized workers currently here, many of whom do vital jobs that keep the country running. Furthermore, his bill would simply push these workers and their employers into the cash economy, resulting in billions of dollars of lost tax revenue” (Moran 2011).

- “The Congressional Budget Office has estimated that a mandatory E-Verify program without legalizing the existing undocumented workforce would decrease federal revenue by more than \$17.3 billion over ten years” (Moran 2011).

5. The program will amount in high costs.

- The cost for a small business to use E-verify for 1 year would be approximately \$27,000 (NILC 2009).
- This large cost would put an expensive additional burden on businesses which are already struggling in today’s tough economic climate.
- In times when small business creates between 60 to 80 percent of all new jobs annually, we cannot afford to risk their ability to grow (NILC 2009).

6. E-verify will scare labor out of Michigan.

- States that have passed anti-immigrant bills, like Arizona and Oklahoma, are seeing immigrant families abandon their state and their economy.
- Labor commissioners and economists have expressed concern about the damage that such exodus might cause to states’ economies, because studies show that **immigrants represent a sum contribution to states’ economies.**
- Agriculture relies heavily on an immigrant workforce. If immigrant workers fear coming to Michigan, growers will not be able to get the workers they need. No matter how bountiful the harvest is, there will not be labor to pick it. Food prices will go up for everyone.

7. Stronger labor standards are a better solution than E verify.

- The real problem is employers paying immigrant and non-immigrant workers “off the books” or “under the table.” That is what is hurting our economy and state treasury with unpaid taxes (NELP 2008).
- Employers seek out undocumented workers, because they are more likely to keep quiet about being paid under minimum wage or poor working conditions.
- A real solution is to support stronger labor standards. If every business was held accountable to provide safe working conditions and pay minimum wage, there would be no incentive to hire an undocumented worker who would stay quiet (NELP 2008).
 - This can be done by:
 - “Enforcing and strengthening existing minimum wage, overtime, health and safety, workers’ compensation, and antidiscrimination laws,
 - Enacting new state and local employment laws that remove the economic incentive from those bad actors by providing stiffer penalties for

employers who seek out undocumented workers and retaliate against them when they assert their workplace rights” (NILC 2008)

- Maintaining a private right of action so that workers can file claims against employers who violate labor laws. This does not require employer sanctions or a new expensive government program. It will be an efficient means to reduce employers’ incentive to hire undocumented workers (NILC 2008).

5. Immigration is a Federal issue.

- Immigration is and always has been an inherently federal issue. The state should petition Congress for a solution to the problem, not pass “enforcement only” laws which risk hurting our economy even more.



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